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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,966	12/21/2001	Oskar J. Painter	CQC14NP	7507

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EXAMINER

LEE, JOHN D

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/037,966	Applicant(s) PAINTER ET AL.	
	Examiner John D. Lee	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
 4a) Of the above claim(s) 5-11, 28-46 and 60-74 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 12-27 and 47-59 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-74 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This Office action is responsive to applicant's amendment and remarks submitted by facsimile on May 7, 2004. Claims 75-139 were cancelled by the amendment.

Claims 1-4, 12-27, and 47-59 are allowed. As indicated by applicant in the remarks submitted on May 7, 2004, the provisional double patenting rejection applied in the previous Office action was the only rejection made. Since claims 83-112 of copending application Serial Number 10/187,030 have not as yet been patented, and since the provisional double patenting rejection was the only rejection made herein, and further since all other issues pertaining to patentability of the elected claims herein have been resolved, the provisional double patenting rejection is withdrawn in accordance with the instructions set forth in MPEP § 804. The provisional double patenting rejection in copending application Serial Number 10/187,030 will be converted to a normal double patenting rejection when the present application issues as a U.S. Patent.

This application is in condition for allowance except for the following formal matters:

Claims 5-11, 28-46, and 60-74 herein represent non-elected species of the invention elected for prosecution by applicant on May 5, 2003. The Examiner, in paper number 2 (mailed February 3, 2003), indicated that upon the allowance of a generic claim, applicant would be entitled to consideration of claims to additional species (i.e. the non-elected claims 5-11, 28-46, and 60-74) *which are written in dependent form or otherwise include all the limitations of an allowed generic claim* as provided by 37 C.F.R. § 1.141. The Examiner also indicated that claims 1 and 23 were generic. Generic claims 1 and 23 are now allowed. Since not all of the non-elected claims 5-11,

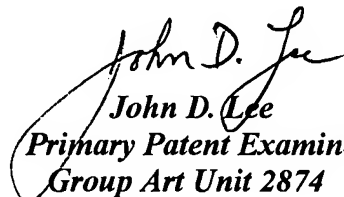
Art Unit: 2874

28-46, and 60-74 are written in dependent form, applicant is invited to explain how these claims include all the limitations of the allowed generic claims. Upon satisfactory explanation by applicant, the non-elected claims will be reinstated and allowed.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning the merits of this communication should be directed to Examiner John D. Lee at telephone number (571) 272-2351. The Examiner's normal work schedule is Tuesday through Friday, 6:30 AM to 5:00 PM. Any inquiry of a general or clerical nature (i.e. a request for a missing form or paper, etc.) should be directed to the Technology Center 2800 receptionist at telephone number (571) 272-1562, to the technical support staff supervisor (Team 8) at telephone number (571) 272-1564, or to the Technology Center 2800 Customer Service Office at telephone number (571) 272-1626.


John D. Lee
Primary Patent Examiner
Group Art Unit 2874